

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13-cv-59-GCM

BENJAMIN BROWN,  
Plaintiff,

v.

CAROLYN COLVIN,  
Acting Commissioner of Social  
Security,  
Defendant.

**CONSENT ORDER**

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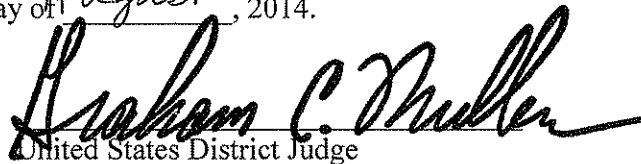
This action being submitted to the Court for entry of a Consent Order agreed to by the parties and it appearing that Plaintiff, by and through his attorney, has executed this Consent Order and Defendant has executed this Consent Order, by and through the undersigned Special Assistant United States Attorney; and it appearing that the parties have agreed that the Commissioner of Social Security should pay the sum of \$3,977.50 for attorney fees, in full and final settlement of all claims due against the Social Security Administration, for attorney fees arising under the Equal Access to Justice Act (EAJA). 28 U.S.C. § 2412(d). It also appearing that Plaintiff's counsel should be reimbursed the \$350.00 filing fee.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 560 U.S. 586 (2010), these attorney fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honour a signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If,

however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to his Counsel.

It is therefore ORDERED that the Commissioner of Social Security pay to Plaintiff the sum of \$3,977.50 in attorney's fees and the Treasury Judgment Fund pay to Plaintiff's counsel \$350.00 in costs in full satisfaction of any and all claims arising under EAJA, 28 U.S.C. § 2412(d), and upon the payment of such sum this case is dismissed with prejudice.

This 26<sup>th</sup> day of August, 2014.

  
United States District Judge

CONSENTED TO:

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